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EX PARTE OR LATE FILED

THOMAS J. SUGRUE
JOEL BERNSTEIN
J. RANDALL COOK

November 13, 1997

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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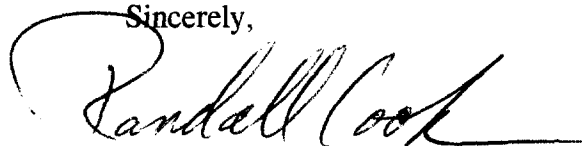
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: IB Docket No. 97-142
Supplement to Notice of Ex Parte Presentation

Dear Ms. Salas:

A copy of the presentation materials mentioned in the attached *Notice of Ex Parte Presentation* submitted late yesterday afternoon on behalf of SITA were inadvertently omitted. Enclosed are copies of those materials, as well as a new *Notice of Ex Parte Presentation*. Please disregard yesterday's submission.

Sincerely,



Randall Cook

Copy of Copies rec'd
11/13/97

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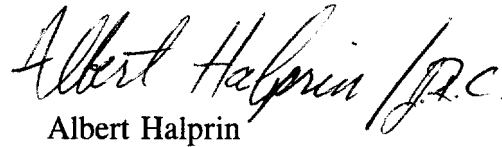
Dear Ms. Salas:

The undersigned counsel for SITA (Société Internationale de Télécommunications Aéronautiques) hereby notifies the Commission, pursuant to Section 1.1206 of the Commission's Rules, that he and Randall Cook met yesterday afternoon with Commissioner Furchtgott-Roth and Steve Kaminer of his staff with regard to the above captioned proceeding.

A copy of the presentation materials discussed at the meeting is attached. An original and one copy of this notice are being submitted to the Secretary's Office for inclusion in the record. In addition, copies are being furnished to Commissioner Furchtgott-Roth and Mr. Kaminer.

If you have any questions with regard to this matter, please direct them to the undersigned counsel for SITA.

Sincerely,

A handwritten signature in cursive script that reads "Albert Halprin / P.C.".

Albert Halprin

Attachment

cc: Commissioner Furchtgott-Roth
Steve Kaminer

Implementing U.S. WTO Commitments for Aeronautical Enroute Services

Presentation to
Federal Communications Commission
November 1997

Albert Halprin
J. Randall Cook
Halprin, Temple, Goodman & Sugrue
1100 New York Avenue, N.W.
Suite 650 East
Washington, DC 20005

Overview

SITA, a worldwide provider of aeronautical enroute (air-to-ground) data services, is seeking an end to the government-created monopoly in aeronautical enroute services in the United States.

Removal of Monopoly Is Necessary

- Removal of the "one station licensee per location" restriction that created the monopoly is necessary because the rule:
 - Is a last vestige of a bygone pro-monopoly era that ignored the benefits of competition.
 - Violates the United States' WTO Basic Telecom Agreement obligations.
 - The pace and mechanism of reform appears to be the only remaining issue.
-

WTO Agreement

- Aeronautical enroute services are covered by the WTO Agreement obligations.
 - There is universal agreement that as a "basic" communications service, aeronautical enroute services are covered by the Agreement.
 - Classification as a "private" service does not change the United States' obligation under the WTO to provide market access and national treatment for aeronautical enroute services.
-

Removal of Monopoly Is Feasible

- No valid interference, technical or national security issues prevent removal of the monopoly restriction.
 - No serious dispute exists that the spectrum allocated for aeronautical enroute services can accommodate many more service providers, particularly for data services.
-

What needs to be done:

- (1) Eliminate the one station licensee per location rule that maintains the existing monopoly in violation of the WTO Agreement
 - (2) Permit aeronautical enroute service applications in some or all of the appropriate frequencies.
 - (3) Declare that in applying the "public interest" standard, the same strong presumption in favor of license approval that will be applied to common carrier services, also will be applied to aeronautical enroute service licensing.
-

Conclusion

- SITA is not asking for a license or a guaranty of a license in this proceeding.
 - SITA is requesting that it have an opportunity to compete in the United States consistent with the United States' WTO obligations.
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